

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1330

(Reference to printed bill)

1   Page 3, between lines 18 and 19, insert:

2               "Sec. 2. Section 10-122, Arizona Revised Statutes, as amended by  
3   section 1 of this act, is amended to read:

4               10-122. Filing, service and copying fees; expedited report  
5                       filing and access; same day and next day services;  
6                       posted wait times; advance monies; definition

7               A. The commission shall collect and deposit, pursuant to sections  
8   35-146 and 35-147, the following nonrefundable fees when the documents  
9   described in this subsection are delivered to the commission:

|    | <u>Document</u>   | <u>Fee</u> |
|----|---|------------|
| 11 | 1. Articles of incorporation  | \$50       |
| 12 | 2. Application for use of indistinguishable name  | 10         |
| 13 | 3. Application for reserved name  | 10         |
| 14 | 4. Notice of transfer of reserved name  | 10         |
| 15 | 5. Application for registered name  | 10         |
| 16 | 6. Application for renewal of registered name   | 10         |
| 17 | 7. Agent's statement of resignation   | 10         |
| 18 | 8. Amendment of articles of incorporation   | 25         |
| 19 | 9. Restatement of articles of incorporation with<br>20                       amendment of articles  | 25         |
| 21 | 10. Articles of merger or share exchange  | 100        |
| 22 | 11. Articles of dissolution   | 25         |
| 23 | 12. Articles of domestication   | 100        |
| 24 | 13. Articles of revocation of dissolution   | 25         |
| 25 | 14. Application for reinstatement following<br>26                       administrative dissolution, in addition<br>27                       to other fees and penalties due | 100        |
| 28 | 15. Application for authority   | 150        |
| 29 | 16. Application for withdrawal  | 25         |

|   |   |    |
|---|---|----|
| 1 | 17. Annual report   | 45 |
| 2 | 18. Articles of correction  | 25 |
| 3 | 19. Application for certificate of good standing  | 10 |
| 4 | 20. Any other document required or permitted<br>to be filed by chapters 1 through 17<br>of this title | 25 |

7           B. The commission shall collect a nonrefundable fee of twenty-five  
8        dollars each time process is served on it under chapters 1 through 17 of this  
9        title. The party to a proceeding causing service of process is entitled to  
10      recover this fee as costs if the party prevails in the proceeding.

11       C. The commission shall charge and collect a reasonable fee for  
12      copying documents on request, provided the fee does not exceed the cost of  
13      providing the service as determined by the commission. The commission shall  
14      also charge a reasonable fee for certifying the copy of a filed document,  
15      provided the fee does not exceed the cost of providing the service as  
16      determined by the commission.

17       D. A penalty of one hundred dollars payable in addition to other fees  
18      accrues and is payable if a foreign corporation fails to file an amendment,  
19      restated articles that include an amendment, or articles of merger within  
20      sixty days of the time of filing in the jurisdiction in which the corporation  
21      is domiciled. The penalty collected pursuant to this subsection shall be  
22      deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

23       E. One-third of the fees for the annual report of domestic and foreign  
24      corporations paid pursuant to subsection A, paragraph 17 of this section  
25      shall be deposited in the ~~abandoned mines safety~~ ARIZONA ARTS TRUST fund  
26      established by section ~~27-131~~ 41-983.01.

27       F. The commission shall provide for and establish an expedited service  
28      for the filing of all documents and services provided pursuant to this title  
29      as follows:

30       1. The expedited filing shall be a priority service to be completed as  
31      soon as possible after the documents are delivered to the commission.

1           2. In addition to any other fees required by this section or any other  
2 law, the commission shall charge a nonrefundable fee for expedited services,  
3 including those requested by fax. The fee shall be determined by a  
4 supermajority vote of the commissioners.

5           3. The commission may provide for and establish same day and next day  
6 services for the filing of any documents and services provided pursuant to  
7 this title as follows:

8           (a) The same day and next day services shall not be offered unless all  
9 expedited services filed pursuant to this title are processed within a  
10 maximum of five business days and all other documents and services filed  
11 pursuant to this title are processed within a maximum of thirty business  
12 days.

13           (b) The commission shall suspend same day or next day service if the  
14 commission determines that it does not have the necessary resources to  
15 perform the service within the established time period.

16           (c) In addition to any other fees required by this section or any  
17 other law, the commissioners may charge a nonrefundable fee for the same day  
18 or next day service or both. The fee shall be determined by a supermajority  
19 vote of the commissioners.

20           4. The commission shall publicly post the current wait times for  
21 processing regular, expedited and same day and next day services.

22           G. The commission may charge persons who access the commission's data  
23 processing system that is maintained pursuant to section 10-122.01 from  
24 remote locations and persons requesting special computer generated printouts,  
25 reports and tapes a reasonable fee that does not exceed the cost of the time,  
26 equipment and personnel necessary to provide this service or product as  
27 determined by the commission.

28           H. Except as provided in section 10-122.01, subsection B, paragraph 3,  
29 in addition to any fee charged pursuant to this section, the commission may  
30 charge and collect the following nonrefundable fees to help defray the cost  
31 of the improved data processing system that is maintained pursuant to section  
32 10-122.01:

1           1. Filing articles of incorporation of a domestic corporation, ten  
2            dollars.

3           2. Filing an application of a foreign corporation for authority to  
4            transact business in this state, twenty-five dollars.

5           I. All monies received pursuant to subsections F, G and H of this  
6            section shall be deposited, pursuant to sections 35-146 and 35-147, in the  
7            public access fund established by section 10-122.01.

8           J. Fees charged pursuant to this section are exempt from section  
9            39-121.03, subsection A, paragraph 3.

10          K. Any person may advance monies to the commission to pay fees  
11         required pursuant to this section for future filings and services. All  
12         monies received pursuant to this subsection shall be deposited, pursuant to  
13         sections 35-146 and 35-147, in the money on deposit account in the public  
14         access fund established by section 10-122.01.

15          L. For the purposes of this section, "supermajority" means an  
16         affirmative vote of at least four commissioners."

17          Renumber to conform

18          Page 2, after line 43, insert:

19           "Sec. 4. Section 27-131, Arizona Revised Statutes, as amended by  
20         section 3 of this act, is amended to read:

21           27-131. Abandoned mines safety fund; annual report

22          A. Notwithstanding section 27-129, subsection D, the abandoned  
23         mines safety fund is established consisting of:

24          1. Gifts, grants and contributions specifically designated for the  
25         fund.

26          2. Monies that may be appropriated by the legislature to the fund to  
27         match the gifts, grants and contributions based on the preceding year's  
28         expenditure report required under subsection D of this section.

29           3. Revenues derived from filing fees collected pursuant to section  
30           10-122.

31          B. The state mine inspector shall administer the fund. Monies in the  
32         fund are exempt from lapsing pursuant to section 35-190.

1           C. Monies in the fund are continuously appropriated to the inspector  
2       to ensure public safety at abandoned mines on land owned by this state as  
3       provided by section 27-129. The inspector shall use monies in the fund to  
4       pay contractors for actual abatement costs to fill, fence or plug shafts and  
5       adits and not to pay administrative salaries and other costs. The inspector  
6       shall consult with the state land commissioner to identify and prioritize the  
7       abandoned mine sites on state lands to be considered for abatement.

8           D. The inspector shall submit an annual report to the joint  
9       legislative budget committee on or before December 1 concerning the  
10      expenditure of monies from the fund and contributions to the fund during the  
11      preceding fiscal year. The report shall itemize each expense paid from the  
12      fund and shall describe the actions taken to ensure public safety."

13       Renumber to conform

14       Page 4, between lines 35 and 36, insert:

15           "Sec. 6. Section 41-982, Arizona Revised Statutes, as amended by  
16       section 5 of this act, is amended to read:

17           41-982. Powers and duties

18           A. The commission may:

19           1. With the consent of a majority of the commission, employ such  
20       personnel as may be required within the limits of funds available in the arts  
21       fund. The compensation for such personnel shall be as determined pursuant to  
22       section 38-611.

23           2. Hold hearings.

24           3. Enter into contracts, within the limits of funds available, with  
25       local and regional associations, individuals, organizations and institutions  
26       for any services which further the broad objectives of the commission's  
27       program.

28           4. Accept gifts, contributions and bequests of unrestricted funds for  
29       deposit in the arts fund **OR THE ARTS TRUST FUND** from individuals,  
30       foundations, corporations, and other organizations or institutions for the  
31       purpose of furthering the broad objectives of the commission's program.

32           5. Make agreements to carry out the purposes of this article.

1                 6. Request cooperation from any state agency for the purposes of this  
2 article.

3                 B. The commission shall:

4                 1. Stimulate and encourage throughout the state the study and  
5 presentation of the performing arts, fine arts, and public interest and  
6 participation therein.

7                 2. Make such surveys of public and private institutions engaged within  
8 the state in artistic and cultural activities, as may be deemed advisable,  
9 and make recommendations concerning appropriate methods to encourage  
10 participation in and appreciation of the arts to meet the legitimate needs  
11 and aspirations of persons in all parts of the state.

12                 3. Take such steps as may be necessary and appropriate to encourage  
13 public interest in the cultural heritage of our state and to expand the  
14 state's cultural resources.

15                 4. Encourage and assist freedom of artistic and scholarly expression  
16 essential for the well-being of the arts.

17                 5. Formulate policies and adopt rules and regulations which are  
18 consistent with the purposes of this article."

19                 Page 4, between lines 38 and 39, insert:

20                 "Sec. 8. Title 41, chapter 5, article 6, Arizona Revised Statutes, is  
21 amended by adding sections 41-983.01 and 41-983.02 to read:

22                 41-983.01. Arizona arts trust fund

23                 A. THERE IS ESTABLISHED THE ARIZONA ARTS TRUST FUND. THE TRUST FUND  
24 SHALL BE ADMINISTERED BY THE ARIZONA COMMISSION ON THE ARTS AND SHALL CONSIST  
25 OF REVENUES DERIVED FROM FILING FEES COLLECTED PURSUANT TO SECTION  
26 10-122. THE COMMISSION SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
27 35-147, SUCH REVENUES INTO THE TRUST FUND AT LEAST QUARTERLY.

28                 B. ON NOTICE FROM THE COMMISSION, THE STATE TREASURER SHALL INVEST AND  
29 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED  
30 FROM INVESTMENT SHALL BE CREDITED TO THE TRUST FUND. MONIES IN THE FUND  
31 SHALL NOT REVERT TO THE STATE GENERAL FUND.

1           C. EXPENDITURES FROM THE TRUST FUND FOR GRANTS UNDER THE ARIZONA ARTS  
2 PROGRAM SHALL BE AUTHORIZED BY A MAJORITY VOTE OF THE COMMISSION. ALL OTHER  
3 EXPENDITURES MAY BE AUTHORIZED BY THE CHAIRMAN OF THE COMMISSION.  
4 EXPENDITURES SHALL BE MADE UPON WARRANTS DRAWN BY THE DEPARTMENT OF  
5 ADMINISTRATION.

6           41-983.02. Arizona arts program

7           A. THERE IS ESTABLISHED AN ARIZONA ARTS PROGRAM TO BE ADMINISTERED BY  
8 THE ARIZONA COMMISSION ON THE ARTS. THE PURPOSE OF THE PROGRAM SHALL BE TO  
9 ADVANCE AND TO FOSTER THE ARTS IN ARIZONA THROUGH GRANTS FROM THE ARIZONA  
10 ARTS TRUST FUND.

11          B. THE COMMISSION SHALL ESTABLISH RULES FOR THE ADMINISTRATION OF THE  
12 PROGRAM INCLUDING GRANT APPLICATIONS AND CRITERIA TO BE UTILIZED WHEN  
13 EVALUATING APPLICATIONS. SUCH CRITERIA SHALL INCLUDE BUT SHALL NOT BE  
14 LIMITED TO ARTISTIC QUALITY, CREATIVITY, POTENTIAL PUBLIC EXPOSURE AND PUBLIC  
15 BENEFIT, AND THE ABILITY OF THE RECIPIENT TO PROPERLY ADMINISTER FUNDS  
16 GRANTED. THE COMMISSION SHALL FURTHER ESTABLISH CRITERIA TO ASSURE ALL OF  
17 THE FOLLOWING:

18           1. A PORTION OF THE FUNDS IS GRANTED TO ORGANIZATIONS REPRESENTING  
19 HANDICAPPED PERSONS.

20           2. A PORTION OF THE FUNDS IS GRANTED TO ARTISTS WHO ARE MEMBERS OF  
21 RACIAL OR ETHNIC MINORITIES.

22           3. A PORTION OF THE FUNDS IS GRANTED TO ORGANIZATIONS REPRESENTING  
23 RURAL AREAS.

24           4. RECIPIENT ARTS ORGANIZATIONS INCLUDE ON THEIR GOVERNING BOARDS  
25 MEMBERS OF RACIAL OR ETHNIC MINORITIES.

26          C. ALL GRANTS SHALL BE AUTHORIZED BY A MAJORITY VOTE OF THE MEMBERS OF  
27 THE COMMISSION.

28          D. EACH GRANT RECIPIENT SHALL SUBMIT A DETAILED REPORT AT LEAST  
29 ANNUALLY TO THE COMMISSION OUTLINING THE USES AND EXPENDITURE OF ANY FUNDS  
30 GRANTED FROM THE ARIZONA ARTS TRUST FUND. RECIPIENTS SHALL AGREE TO ANY  
31 AUDITING REQUIREMENTS RELATING TO THE USE OF GRANT FUNDS AS SET FORTH BY THE  
32 COMMISSION."

Senate Amendments to S.B. 1330

1       Renumber to conform

2   Page 4, after line 44, insert:

3           "Sec. 10. Section 41-984, Arizona Revised Statutes, as amended by  
4   section 9 of this act, is amended to read:

5           **41-984. Annual report**

6           The Arizona commission on the arts shall prepare and submit an annual  
7   report to the governor and the legislature including a detailed accounting of  
8   the expenditures and grants from the arts fund **AND THE ARIZONA ARTS TRUST**  
9   **FUND** no later than December 31 of each year.

10          **Sec. 11. Effective date**

11          The following are effective from and after June 30, 2013:

12          1. Section 10-122, Arizona Revised Statutes, as amended by section 2  
13   of this act.

14          2. Section 27-131, Arizona Revised Statutes, as amended by section 4  
15   of this act.

16          3. Section 41-982, Arizona Revised Statutes, as amended by section 6  
17   of this act.

18          4. Sections 41-983.01, Arizona Revised Statutes, as added by section 8  
19   of this act.

20          5. Section 41-984, Arizona Revised Statutes, as amended by section 10  
21   of this act."

22   Amend title to conform

JAKE FLAKE

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5:22 PM  
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